

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
CIVIL APPLICATION NO.278 OF 2006
IN
SECOND APPEAL NO.120 OF 2005

Anandrao Shripatrao Chougule Applicant
Versus
Bhagwan Sadashiv Patil Respondent

Mr.S.S.Patwardhan for applicant
Mr.T.D.Deshmukh for respondent

CORAM : P.V.KAKADE, J.

DATE : 28TH APRIL, 2006

P.C.:

1. Heard the learned counsel for both the parties.
Perused the record.

2. It appears that the parties are trying to raise dispute regarding the order of status-quo passed by this court while admitting the Second Appeal. The interim order passed to the effect that the parties to maintain status-quo as on the date of passing of the interim order regarding holding of possession. The order was also passed, as is reflected by the record, after referring to the earlier proceedings and the findings recorded by the lower appellate court. The lower

appellate court has clearly recorded a finding to the effect that the plaintiff was in possession and enjoyment of the suit property admeasuring 40 R on the date of filing of the suit. It is obvious that the interim order of status-quo order was passed on this finding pending the Second Appeal wherein this finding was challenged. However, by any stretch of imagination it cannot be said that there is any vagueness in the interim order passed by this court. I must hasten to add that the interim order was passed after hearing both the parties on the assumption that plaintiff was in possession of the 40R suit property and status-quo was directed to be maintained on that basis and therefore, there cannot be any scope for misinterpretation regarding the order of status-quo passed by this court. No doubt this observation is prima facie and shall be subject to final hearing of the second appeal on merits. It is also to be noted that the parties have approached the Police and the appellants will have no doubt to act on the basis of this order. With this order the civil application stands disposed of with no order as to costs.